

ORIGINAL

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Hodgenville, Horse Cave, Lebanon)
Lebanon Junction, New Haven and)
Springfield, Kentucky, and Belle Meade)
Goodlettsville, Hendersonville, Manchester,)
and Millersville, Tennessee))

MB Docket No. 06-77
RM-11324

RECEIVED

JUN 13 2006

Federal Communications Commission
Office of Secretary

To: Office of the Secretary
Attn: Assistant Chief, Audio Division
Media Bureau

REPLY COMMENTS

Newberry Broadcasting, Inc., licensee of Station WHHT(FM), Horse Cave, KY;
Elizabethtown CBC, Inc., licensee of Stations WKMO(FM), Hodgenville, KY and WTHX(FM),
Lebanon Junction, KY; Washington County CBC, Inc. ("Washington"), licensee of Station
WYSB(FM),¹ Springfield, KY; CBC of Marion County, Inc., licensee of Station WLSK(FM),
Lebanon, KY; and Cumulus Licensing LLC, licensee of Stations WNFN(FM), Belle Meade, TN,
WWTN(FM), Manchester, TN, WQQK(FM), Hendersonville, TN and WRQQ(FM),
Goodlettsville, TN (the "Joint Parties"), and Green County CBC, Inc. ("Green County"),²
licensee of Station WGRK-FM, Greensburg, Kentucky, by their respective counsel, hereby

¹ The previous call sign for this station was WAKY(FM).

² Green County was not a party to the Joint Parties' proposal in this proceeding. However, Green County is under common ownership with all of the Joint Parties (except Cumulus) and, as licensee of Station WGRK-FM, is necessary to facilitate a resolution in this proceeding.

submit their Reply Comments to the *Notice of Proposed Rule Making* in the above captioned proceeding (DA 06-793) ("*NPRM*"), in the above-captioned proceeding.

1. The *NPRM* in this proceeding was released in response to a proposal filed by the Joint Parties on March 21, 2005. On May 30, 2006, CXR Holdings, L.L.C. ("CXR") filed a Counterproposal in response to the *NPRM*. Both the Joint Parties' proposal and CXR's proposal propose a number of changes to the FM Table of Allotments that will serve the public interest. However, both of these proposals cannot be granted because they are mutually exclusive. Specifically CXR's proposal to allot Channel 274A at Lewisport, Kentucky, and to modify the license of Station WLME(FM) accordingly, conflicts with the Joint Parties' proposal to allot Channel 274A to New Haven, Kentucky, and to modify the license of Station WYSB(FM) accordingly.

ELIMINATION OF CONFLICT

2. The Joint Parties recognize the public interest benefits of both proposals and they do not want to delay resolution of this proceeding. Thus, the Joint Parties hereby amend their proposal to eliminate the conflict with CXR's proposal. Specifically, Washington, one of the Joint Parties, no longer desires to make the changes proposed for Station WYSB(FM) and thus that station will remain licensed to Springfield, Kentucky on Channel 274A at the station's current site. As a result CXR's proposal for Lewisport, Kentucky is no longer in conflict with the Joint Parties proposal to allot Channel 274A to New Haven, Kentucky as set forth in the *NPRM*.

3. Previously, in order to ensure that Springfield, Kentucky retained local service, the Joint Parties had also proposed to modify the facilities of Station WLSK(FM) to change channel from 265C3 to 265A and to specify Springfield, Kentucky as its community of license.

As a result of the elimination of the Station WYSB(FM) move from Springfield, Kentucky, the proposed move of Station WLSK(FM) to Springfield is also no longer necessary.³

ELIMINATION OF ORDER TO SHOW CAUSE

4. CXR's proposal also requested that the Commission issue an Order to Show Cause to Green County to demonstrate why Station WGRK-FM's channel should not be changed from Channel 276A to Channel 300A. Following the filing of CXR's Counterproposal, CXR and Green County negotiated a reimbursement agreement. Green County's consent statement is attached hereto as Exhibit 2, whereby Green County states that it agrees to change the channel of Station WGRK-FM to accommodate CXR's proposal. However, rather than change to Channel 300A (as proposed by CXR), Green County prefers to change to Channel 289A with a change in site coordinates. Channel 289A can be allotted to Greensburg in compliance with the Commission's spacing rules. *See Exhibit E-2.* Green County states that it will apply for Channel 289A at Greensburg and construct the facilities if authorized. The allotment of Channel 289A at Greensburg will eliminate the need to make the previously proposed change to Station WKYR-FM, Burkesville, Kentucky in CXR's proposal. Green County states that it will apply for Channel 289A at Greensburg and construct the facilities if authorized.

5. The Joint Parties' proposal, as amended, furthers the Commission's allotment priorities because the collective changes include a local service at Millersville, Tennessee (2000 U.S. Census pop. 5,308). *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982). In addition by eliminating the conflict CXR's proposal, the Commission can also grant that proposal, which will result in a first local service at Lyndon, Kentucky (2000 U.S.

³ Pursuant to Section 1.420(j) the statements of Washington County CBC, Inc. and CBC of Marion County, Inc. are attached hereto as Exhibit 1.

Census pop. 9,369), Hope, Indiana (2000 U.S. Census pop. 2,140), and Lewisport, Kentucky (2000 U.S. Census pop. 1,639).

SUMMARY OF CXR'S AND THE JOINT PARTIES' PROPOSAL AS AMENDED

To summarize, in order to resolve the conflict with CXR's proposal, the Joint Parties hereby amend their proposal to eliminate the changes to Stations WYSB(FM) and WLSK(FM). Also, in order to accommodate CXR's proposal, Green County agrees to change the channel of Station WGRK-FM to Channel 289A. Finally, the change in channels for Station WKYR-FM is no longer needed. The Joint Parties urge the Commission to adopt the following changes to the FM Table of Allotments:

JOINT PARTIES' PROPOSAL

Community	Channel	
	Existing	Proposed
Hodgenville, Kentucky	292A	297A
Horse Cave, Kentucky	294A	293A
Lebanon Junction, Kentucky	297A	257A
Belle Meade, Tennessee	294A	246C2
Goodlettsville, Tennessee	246C2	221A
Hendersonville, Tennessee	221A	259C0
Manchester, Tennessee	259C, 268A	268A
Millersville, Tennessee	--	294C3

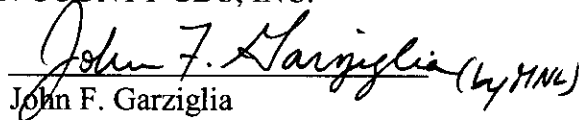
CXR'S PROPOSAL

Community	Channel	
	Existing	Proposed
Edinburgh, Indiana	275A	262A
Hope, Indiana	--	275A
Tell City, Indiana	275C3	--
Versailles, Indiana	276A	--
Greensburg, Kentucky	276A	289A
Lewisport, Kentucky	--	274A
Louisville, Kentucky	295B	--
Lyndon, Kentucky	--	276C2
St. Matthews, Kentucky	276A	295B

Respectfully Submitted,

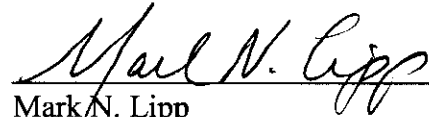
NEWBERRY BROADCASTING, INC.
ELIZABETHTOWN CBC, INC.
CBC OF MARION COUNTY, INC.
WASHINGTON COUNTY CBC, INC.
GREEN COUNTY CBC, INC.

By:


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CUMULUS LICENSING LLC

By:


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Its Counsel

Their Counsel

June 13, 2006

**TECHNICAL REPORT IN SUPPORT OF
WASHINGTON COUNTY CBC, INC.
CBC OF MARION COUNTY, INC. and
GREEN COUNTY CBC, INC.
REPLY COMMENTS TO
MB DOCKET NO 06-77**

June 7, 2006

Background:

Washington County CBC, Inc. (Washington County) and CBC of Marion County, Inc. (Marion County) had originally proposed the reallocation of station WYSB from Springfield to New Haven, KY on 274A and station WLSK on 265C3 from Lebanon, KY to 265A at Springfield, KY to replace WYSB (MB Docket No. 06-77). CXR Holdings, L.L.C. (CXR) filed a counterproposal requesting the allotment of station WLME on 274A at Lewisport, KY that is mutually exclusive with the New Haven 274A proposal.

Washington County and Marion County withdraw New Haven and Springfield proposals to retain stations WYSP and WLSK at their licensed facilities:

In view of changed business circumstances since the original filing including the recent sale of co-owned AM station WBRT in Bardstown, KY, Washington County and Marion County hereby withdraw the proposal to move station WYSB to New Haven and station WLSK to Springfield. It is proposed to retain both stations at their currently licensed communities and facilities thus retaining a station that serves the Bardstown market area. It is also apparent that the CXR proposal for station WLME on 274A at Lewisport, KY (1,639 - 2000 population) as a first service will prevail over the New Haven, KY (849 - 2000 population) 274A proposal. Withdrawal of the New Haven proposal will resolve the conflict with the CXR counterproposal (see E1 channel study) allowing the remaining allocation changes proposed in MB Docket No. 06-77 to be implemented.

CBC of Marion County proposes 289A as a substitution for WGRK-FM rather than 300A as proposed by CXR:

CXR also proposed the substitution of channel 300A for station WGRK-FM's channel 276A licensed facility. Green County CBC, Inc. (Green County), licensee of WGRK-FM hereby proposes the alternate substitution of channel 289A at a fully spaced reference point (see exhibit E2). Green County prefers channel 289A for a number of

Charles M. Anderson Associates

reasons including the potential EMI that frequently results from the use of channel 300. Furthermore, the change of station WKYR's channel from 300A to 276A at Burkesville, Kentucky, will no longer be required as a result of the proposed substitution of Channel 289A (instead of Channel 300A) at Greensburg, Kentucky.



Charles M. Anderson
Consultant to Washington County CBC, Inc,
CBC of Marion County, Inc. and
Green County CBC, Inc.

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E1 WYSB - SPRINGFIELD AT LICENSED SITE

REFERENCE

37 41 43 N.

85 19 06 W.

CLASS = A

Current Spacings

Channel 274 - 102.7 MHz

DISPLAY DATES

DATA 06-06-06

SEARCH 06-07-06

Call	Channel	Location		Azi	Dist	FCC	Margin
RDEL	DEL 274A	Springfield	KY	0.0	0.00	115.0	-115.00
WYSB	LIC-N 274A	Springfield	KY	0.0	0.00	115.0	-115.00
RDEL	DEL 274A	Springfield	KY	0.0	0.00	115.0	-115.00
RADD	ADD 274A	Lebanon Junction	KY	288.4	26.05	115.0	-88.95 (1)

(1) Proposal previously dismissed.

RADD	ADD 274A	New Haven	KY	288.4	26.05	115.0	-88.95 (2)
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(2) Proposal in MB Docket No. 06-77 withdrawn herein.

WEBN	LIC-N 274B	Cincinnati	OH	24.0	173.11	178.0	-4.89 (3)
WKWY	LIC-N 274A	Tompkinsville	KY	196.7	112.48	115.0	-2.52 (3)

(3) Licensed 73.215 short-spacings. No change in site required to retain WYSB at Springfield.

WLTO	LIC-N 273A	Nicholasville	KY	66.3	74.16	72.0	2.16
RDEL	DEL 275A	Mount Vernon	KY	113.1	85.16	72.0	13.16
NEW .C	CP -N 275A	Mount Vernon	KY	115.3	91.60	72.0	19.60
WGRKFM	LIC 276A	Greensburg	KY	199.8	51.42	31.0	20.42
WKYL	LIC-N 271A	Lawrenceburg	KY	45.9	53.12	31.0	22.12
RADD	ADD 274A	Lewisport	KY	275.3	139.67	115.0	24.67 (4)

(4) Note clearance to Cox Radio counterproposal in MB Docket No. 06-77 for 274A at Lewisport, KY. Withdrawal of the New Haven 274A proposal eliminates the conflict.

WLME.C	CP 275C3	Tell City	IN	275.3	114.02	89.0	25.02
WLME	LIC 275C3	Cannelton	IN	275.3	114.02	89.0	25.02
AL275	RSV 275C3	Tell City	IN	278.9	114.62	89.0	25.62
WEKX	LIC 274A	Jellico	TN	138.3	148.75	115.0	33.75
WRKA	LIC-Z 276A	St. Matthews	KY	332.5	71.74	31.0	40.74
WXMA	LIC 272A	Louisville	KY	327.8	72.15	31.0	41.15
WCLUFM	LIC-N 272A	Munfordville	KY	223.0	78.34	31.0	47.34
WXZZ	LIC 277A	Georgetown	KY	60.3	83.89	31.0	52.89
WLLKFM	LIC 272A	Somerset	KY	140.3	88.95	31.0	57.95

**E2 PROPOSED WGRK-FM 289A
SUBSTITUTION AT FULLY SPACED
REFERENCE POINT**

REFERENCE

37 14 09 N.
85 27 56 W.

CLASS = A

Current Spacings

Channel 289 - 105.7 MHz

DISPLAY DATES

DATA 06-06-06

SEARCH 06-07-06

Call	Channel	Location		Azi	Dist	FCC	Margin
WLVK	LIC 288A	Fort Knox	KY	327.3	72.31	72.0	0.31
WOVO	LIC-N 287C3	Glasgow	KY	212.5	42.39	42.0	0.39
WTBK	LIC-Z 289C3	Manchester	KY	93.1	152.42	142.0	10.42
WTUVFM	LIC 289A	Eminence	KY	11.1	126.36	115.0	11.36
WNRQ	LIC 290C	Nashville	TN	223.2	181.78	165.0	16.78
WWSR.C	CP -Z 289C3	Rockwood	TN	161.1	160.33	142.0	18.33
WTCJFM	LIC-Z 289A	Tell City	IN	305.1	134.83	115.0	19.83
AL289	RSV 289A	Cannelton	IN	298.3	134.98	115.0	19.98
WOVO.A	APP-Z 287C3	Glasgow	KY	243.5	63.33	42.0	21.33
AL290	VAC 290A	Burgin	KY	46.7	93.51	72.0	21.51
WTCJFM	CP 289A	Cannelton	IN	297.4	137.21	115.0	22.21
RDEL	DEL 292A	Hodgenville	KY	333.3	54.31	31.0	23.31
WKMO	LIC 292A	Hodgenville	KY	333.3	54.31	31.0	23.31
WRVI	LIC 290A	Valley Station	KY	337.2	106.56	72.0	34.56
WANYFM	LIC 292A	Albany	KY	154.8	65.93	31.0	34.93
WWSR	LIC-Z 289A	Rockwood	TN	158.1	155.96	115.0	40.96
WBNTFM	LIC 288A	Oneida	TN	133.0	119.24	72.0	47.24
WMKJ	LIC-Z 288C3	Mount Sterling	KY	47.3	137.52	89.0	48.52
AL236	RSV 236C0	Bowling Green	KY	240.9	73.70	25.0	48.70
WGGC	LIC 236C0	Bowling Green	KY	240.9	73.70	25.0	48.70
AL291	VAC 291A	Science Hill	KY	94.0	87.19	31.0	56.19
WRNZ	LIC 286A	Lancaster	KY	62.4	88.74	31.0	57.74
WLRS	LIC-N 286A	Shepherdsville	KY	343.7	94.03	31.0	63.03
WRKKFM	LIC 288A	Sparta	TN	179.3	152.59	72.0	80.59
WCLCFM	LIC 286A	Jamestown	TN	155.2	112.80	31.0	81.80
WKYA	LIC-D 288A	Greenville	KY	268.9	154.95	72.0	82.95
RADD	ADD 235A	Crab Orchard	KY	75.7	98.09	10.0	88.09
WCDA	LIC 292A	Versailles	KY	43.0	124.05	31.0	93.05
WXMZ	LIC 292A	Hartford	KY	280.8	129.11	31.0	98.11
WYXB	LIC-Z 289B	Indianapolis	IN	350.7	284.91	178.0	106.91

E3 289A WGRK-FM 70 DBU

Latitude: 37-14-09 N
Longitude: 085-27-56 W

289A 16.2 KM 70 DBU

Taylor

Campbellville

Green Greensburg

WGRKFM

GREENSBURG
2000 CENSUS BOUNDARIES

Columbia

Adair

(C) 2006 CHARLES M. ANDERSON ASSOCIATES

Scale 1:250,000

0 3 6 9 km

Ru

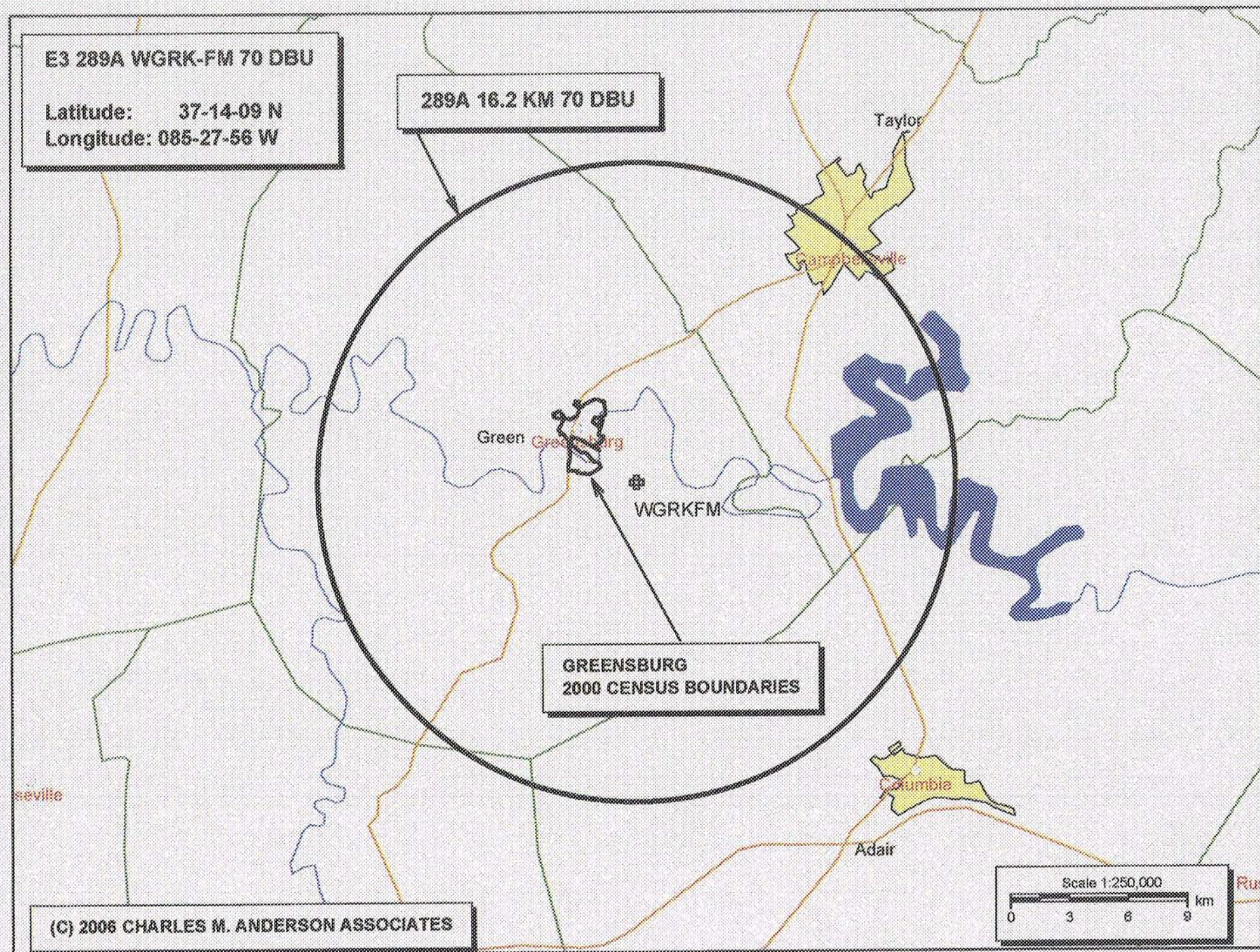


EXHIBIT 1

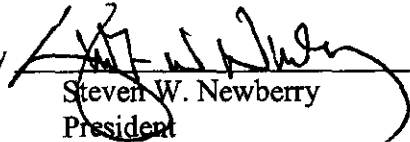
**WITHDRAWAL OF EXPRESSION OF INTEREST
AND CERTIFICATION**

Washington County CBC, Inc., the licensee of WYSB(FM), Springfield, Kentucky, due to changed business circumstances since its original filing including the sale of a commonly-owned AM station, hereby withdraws its expression of interest in a change of the WYSB(FM) community of license to New Haven, Kentucky.

Pursuant to Section 1.429(j) of the Commission's rules, Washington County CBC, Inc. hereby certifies that neither Washington County CBC, Inc. nor any of its principals has received or will receive any money or other consideration for the withdrawal of its expression of interest.

Executed this 13th day of June, 2006 under penalty of perjury.

WASHINGTON COUNTY CBC, INC.

By 
Steven W. Newberry
President

**WITHDRAWAL OF EXPRESSION OF INTEREST
AND CERTIFICATION**

CBC of Marion County, Inc., the licensee of WLSK(FM), Lebanon, Kentucky, due to changed business circumstances since its original filing including the sale of a commonly-owned AM station, hereby withdraws its expression of interest in a change of the WLSK(FM) community of license to Springfield, Kentucky.

Pursuant to Section 1.429(j) of the Commission's rules, CBC of Marion County, Inc. hereby certifies that neither CBC of Marion County, Inc. nor any of its principals has received or will receive any money or other consideration for the withdrawal of its expression of interest.

Executed this 13th day of June, 2006 under penalty of perjury.

CBC OF MARION COUNTY, INC.

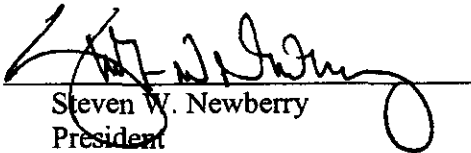
By 
Steven W. Newberry
President

EXHIBIT 2

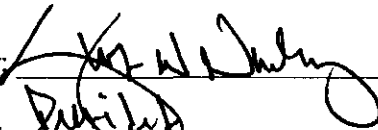
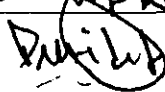
EXHIBIT A

**Station WGRK-FM
Greensburg, Kentucky**

Green County CBC, Inc. ("Licensee"), licensee of Station WGRK-FM, Greensburg, Kentucky, hereby agrees to have WGRK-FM's channel changed from Channel 276A to 289A and its transmitter site reference coordinates changed. Licensee will file an application to implement the change consistent with the Commission's spacing rules should the Commission approve the amendment to the FM Table of Allotments. Licensee understands that this statement may be used in a filing with the Commission and hereby authorizes its use for that purpose.

I verify that this statement is true, complete and correct to the best of my knowledge and belief and is made in good faith.

GREEN COUNTY CBC, INC.

By: 
Its: 

CERTIFICATE OF SERVICE

I, Diana Gonzales, in the law firm of Vinson & Elkins, do hereby certify that I have on this 13th day of June, 2006, unless otherwise noted, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "**Reply Comments**" to the following:

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Media Bureau
Federal Communications Commission
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Washington, D.C. 20554

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Diana Gonzales

* HAND DELIVERED